

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT TERRY JR.; and LISA	§	
FOSTER, Individually and as	§	
next friend of their deceased	§	
son, ROBERT ANDREW TERRY	§	Civil Action No. 4:24-cv-3068
Plaintiffs,	§	Jury Requested
	§	(Judge Hittner, presiding)
v.	§	
	§	
HARRIS COUNTY,	§	
Defendant.	§	

ANSWER OF DEFENDANT, HARRIS COUNTY

Defendant, Harris County, files its answer to the claims asserted by Plaintiffs, Robert Terry Jr. and Lisa Foster, Individually and as next friend of their deceased son, Robert Andrew Terry, in Plaintiffs’ Original Complaint (Dkt. 1) and show as follows:

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GENERAL DENIAL

1. Pursuant to Rule 8 of the Federal Rules of Civil Procedure, Harris County denies all the allegations and contentions contained in the Complaint except those expressly admitted below.

ADMISSIONS AND DENIALS

I. SUMMARY OF THE COMPLAINT (RESPONSE TO DE 1, ¶¶ 1-13)

2. Harris County admits its political subdivision organized under the laws of the State of Texas, that its Chief Law Enforcement Officer is an elected sheriff, and that one of the functions of the Harris County Sheriff's Office and Harris County is the operation of a jail facility commonly known as the Harris County Jail. Harris County admits that Robert Andrew Terry was detained in the Harris County Jail and died while in custody and that Plaintiffs in this lawsuit seek monetary damages as a result of Robert Andrew Terry's death.

II. PARTIES (RESPONSE TO DE 1, ¶¶ 14-16)

3. Upon information and belief, Harris County admits Robert Terry Jr. and Lisa Foster are the father and mother, respectively, of Robert Andrew Terry. Harris County admits that Robert Andrew Terry is deceased, that Harris County and the Sheriff's Office operate the

Harris County Jail, that Robert Andrew Terry died while in custody, and that Harris County is properly served through the County Judge, Lina Hidalgo.

III. JURISDICTION AND VENUE (RESPONSE TO DE 1, ¶¶ 17-18)

4. Harris County does not contest the jurisdiction and venue allegations.

IV. BACKGROUND FACTS (RESPONSE TO DE 1, ¶¶ 19-1028)

A. ROBERT ANDREW TERRY (RESPONSE TO DE 1, ¶¶ 19-33)

5. Harris County admits that on May 13, 2023, Robert Andrew Terry was placed in the Harris County Jail on retaliation charges after being medically screened; that Robert Andrew Terry had previously been detained at the Harris County Jail; that Robert Andrew Terry was taken to the Jail Clinic for care and complained of nausea and lightheadedness on May 15, 2023, that Robert Andrew Terry exhibited signs of medical distress, including abdominal pain, which resulted in a medical response by Jail Staff, transport to the Jail Clinic for medical care, and transport to LBJ Hospital by Houston Fire Department for further medical care. Harris County further admits Robert Andrew

Terry was pronounced deceased by a medical doctor at 7:31 AM on May 16, 2023.

B. PLAINTIFFS' ALLEGATIONS REGARDING HARRIS COUNTY'S POLICIES, CUSTOMS, AND PRACTICES AS THE PURPORTED CAUSE OF ROBERT ANDREW TERRY'S CONSTITUTIONAL CLAIMS (RESPONSE TO DE 1, ¶¶ 34-42)

6. Harris County contends that the statements contained in paragraphs 34 through 42 do not contain factual allegations that require an answer as these paragraphs state and restate arguments and conclusions.

C. PLAINTIFFS' ALLEGATIONS OF HARRIS COUNTY'S PURPORTED LONGSTANDING CULTURE OF INDIFFERENCE IN ITS JAIL OPERATIONS (RESPONSE TO DE 1, ¶¶ 43-1025)

7. Harris County contends that the statements contained in paragraphs 43 through 44 do not contain factual allegations that require an answer as these paragraphs state and restate arguments and conclusions

i. Department of Justice Report dated June 4, 2009 (Response to DE 1, ¶¶ 45-70)

8. Harris County admits a Department of Justice Report dated June 4, 2009 (DOJ Report), addresses issues, concerns, and administrative findings pertaining to the conditions of confinement at

the Harris County Jail at or around the time the DOJ Report was drafted.

**ii. Political Debate and Sheriff Candidate Accusations
(Response to DE 1, ¶¶ 71-107)**

9. Harris County admits there has been political debate and accusation by candidates for office alleging the Harris County Jail operations are constitutionally infirm.

iii. Allegations Premised on Texas Commission on Jail Standards Reports (Response to DE 1, ¶¶ 108-234)

10. Harris County admits the Texas Commission on Jail Standards (TCJS) inspects county jails and drafts reports and investigations relating to its investigations and findings.

a. Texas Commission on Jail Standards March 11, 2016, Report (Response to DE 1, ¶¶ 110-113)

11. Harris County admits that with respect to the TCJS Report dated March 11, 2016, the then-TCJS Inspector made an administrative finding that the then-Jail Administration did not provide MHMR services within thirty days after requests had been submitted by an inmate as required by the TCJS standards, Chapter 273 and criteria in place at that time.

b. Texas Commission on Jail Standards February 21, 2017, Report (Response to DE 1, ¶¶ 114-120)

12. Harris County admits that the with respect to the TCJS Report dated February 21, 2017, that report noted deficiencies under Chapter 275 of the TCJS Rules.

c. Texas Commission on Jail Standards April 3, 2017, Report (Response to DE 1, ¶¶ 121-125)

13. Harris County admits that with respect to the TCJS Report dated April 3, 2017, that report noted deficiencies under Chapters 273, 275, and 281 of the TCJS Rules.

d. Texas Commission on Jail Standards December 19, 2017, Report (Response to DE 1, ¶¶ 126-134)

14. Harris County admits that with respect to the TCJS Report dated December 19, 2017, that report noted deficiencies under Chapter 275 of the TCJS Rules.

e. Texas Commission on Jail Standards August 23, 2018, Report (Response to DE 1, ¶¶ 135-142)

15. Harris County has been unable to locate a TCJS Report dated August 23, 2018, and therefore is unable to admit or deny the allegations pertaining to that report.

f. Texas Commission on Jail Standards December 9, 2020, Report (Response to DE 1, ¶¶ 143-151)

16. Harris County admits that with respect to the TCJS Report dated December 9, 2020, that report is an Annual Report of an audit of jail operations under Chapter 511 of the Texas Government Code and Chapter 37, Section 5 of Title 37 of the Texas Administrative Code.

g. Texas Commission on Jail Standards April 6, 2021, Report (Response to DE 1, ¶¶ 152-162)

17. Harris County has been unable to locate a TCJS Report dated April 6, 2021, and therefore is unable to admit or deny the allegations pertaining to that report.

h. Texas Commission on Jail Standards December 7, 2021, Report (Response to DE 1, ¶¶ 163-171)

18. Harris County admits that with respect to the TCJS Report dated December 7, 2021, that report noted deficiencies under Chapter 275 (Supervision) and Chapter 297 (Sanitation) of the TCJS Rules.

i. Texas Commission on Jail Standards September 7, 2022, Report (Response to DE 1, ¶¶ 172-179)

19. Harris County admits that with respect to the TCJS Report dated September 7, 2022, that report noted deficiencies under Chapters 259, 265, and 277 of the TCJS Rules.

j. Texas Commission on Jail Standards December 19, 2022, Report (Response to DE 1, ¶¶ 180-185)

20. Harris County admits that with respect to the TCJS Report dated December 19, 2022, that report noted deficiencies under Chapter 273 of the TCJS Rules.

k. Texas Commission on Jail Standards March 8, 2023, Report (Response to DE 1, ¶¶ 186-200)

21. Harris County admits that with respect to the TCJS Report dated March 8, 2023, that report noted deficiencies under Chapters 259 and 273 of the TCJS Rules.

l. Texas Commission on Jail Standards April 17, 2023, Report (Response to DE 1, ¶¶ 201-206)

22. Harris County admits that with respect to the TCJS Report dated April 17, 2023, that report noted deficiencies under Chapter 275 of the TCJS Rules.

m. Texas Commission on Jail Standards August 28, 2023, Report (Response to DE 1, ¶¶ 207-217)

23. Harris County admits that with respect to the TCJS Report dated August 28, 2023, that report noted deficiencies under Chapters 259 and 275 of the TCJS Rules.

n. Texas Commission on Jail Standards February 20, 2024, Report (Response to DE 1, ¶¶ 218-225)

24. Harris County admits that the TCJS issued a notice that noted deficiencies under Chapter 297 of the TCJS Rules.

o. Texas Commission on Jail Standards April 10, 2024, Report (Response to DE 1, ¶¶ 226-229)

25. Harris County admits that with respect to the TCJS Notice dated April 10, 2024, that notice noted deficiencies under Chapter 283 of the TCJS Rules.

p. Texas Commission on Jail Standards August 3, 2023, Meeting (Response to DE 1, ¶¶ 230-234)

26. Harris County, in reliance on the minutes of the TCJS Board meeting held August 3, 2023, admits to the contents reflected in those Board Minutes.

iv. Allegations Regarding Prior and Concurrent Deaths in Custody (Response to DE 1, ¶¶ 235-993)

a. Jacoby Pillow (Response to DE 1, ¶¶ 236-247)

27. Harris County admits that on January 1, 2023, Jacoby Pillow was placed in the Harris County Jail on a criminal trespass related charge, that Jacoby Pillow was involved in an altercation and that multiple officers were required to restrain him, that Jacoby Pillow was found unresponsive in his cell on January 3, 2023, and passed away

shortly after arriving at the hospital. Harris County does not have sufficient information to admit or deny the truth regarding Jacoby Pillow's bond.

b. Bryan Johnson (Response to DE 1, ¶¶ 248-258)

28. Harris County admits that Bryan Johnson was booked into the Harris County Jail for charges of felon in possession of a fire arm and evading arrest, that Bryan Johnson reported leg pain, asthma, and a prior concussion during intake, that when Bryan Johnson was taken to the Jail Clinic a few days after an altercation with officers and was treated and evaluated by medical staff because he complained of leg and wrist pain, that on October 1, 2022, Bryan Johnson's breathing was labored and medical assistance was requested by that he became unresponsive and later died of a rare autoimmune disorder. Harris County is without sufficient information to form a belief as to whether he had trouble breathing due to an injury on or about September 23, 2023, or whether he requested emergency medical assistance via a medical kiosk for troubled breathing to which medical staff did not respond.

c. Evan Ermayne Lee (Response to DE 1, ¶¶ 259-270)

29. Harris County admits that on December 22, 2021, Evan Ermayne Lee was booked into the Harris County Jail for an aggravated assault with a deadly weapon charge; that Evan Ermayne Lee had a history of bipolar disorder, psychosis, diabetes, and hypertension; that Evan Ermayne Lee was offered but refused medical treatment following an altercation with another inmate; that Evan Ermayne Lee sustained blunt force head trauma with blood on his brain; that Evan Ermayne Lee was seen in the Jail Clinic and transported to the hospital on March 18, 2022; that he was ruled brain dead on March 20, 2022; and that the medical records of Evan Ermanye Lee indicate “Due to no clear history of trauma nor external signs of trauma, vascular imaging was pursued for concerns for underlying vascular lesion. He underwent a diagnostic cerebral angiogram showing a small right dural arteriovenous fistula coming off a branch of the right occipital artery, draining into the transverse sinus. No clear vascular lesion on the left side was identified.” Harris County lacks sufficient knowledge or information to form a belief regarding what other brain injuries the hospital identified.

d. William Curtis Barrett (Response to DE 1, ¶¶ 271-280)

30. Harris County admits William Curtis Barrett was booked into the Harris County Jail on November 17, 2022, on a charge of indecent exposure, that William Curtis Barrett had previously been booked into the Harris County Jail when he reported daily crack/cocaine use and behavior and mental health issues, that William Curtis Barrett was found unresponsive by a jailer during the jailer's rounds and immediately transported to the hospital where he was declared dead upon arrival, that the cause of William Curtis Barrett's cause of death has been listed as "blunt force head trauma with subdural and subarachnoid hemorrhage." Harris County lacks sufficient knowledge or information to form a belief regarding the truth of whether William Curtis Bennett was assaulted resulting in significant trauma to his head.

e. Kevin Leon Smith, Jr. (Response to DE 1, ¶¶ 281-290)

31. Harris County admits Kevin Leon Smith, Jr. was booked into the Harris County Jail on a charge of continued sexual abuse of a child and reported having asthma, that on or about January 31, 2023, Kevin Leon Smith suffered a medical emergency in his cell and was

immediately transported to the Jail Clinic and the hospital where he was pronounced dead. Harris County lacks sufficient information to form a belief regarding whether Kevin Leon Smith's uncle was Gary Wayne Smith, what, if any, the trustees' involvement was in transporting Kevin Leon Smith, the number of officers that were looking in Kevin Leon Smith's room, or the nature of the officers' conversations.

f. Ramon Thomas (Response to DE 1, ¶¶ 291-301)

32. Harris County admits Ramon Thomas was booked into the Harris County Jail and reported being diagnosed with bipolar disorder, that he was provided a psychiatric assessment and emergency medication and admission to the mental health unit with assault precautions, that Ramon Thomas was moved to the sixth floor of the Harris County Jail after several weeks in the mental health unit and stepdown unit, and that on July 1, 2023, Ramon Thomas was found suffering from a medical emergency, transported to the hospital where he was pronounced deceased as a result of cardiac hypertrophy. Harris County lacks sufficient knowledge or information to form a belief about the truth regarding an independent autopsy of Ramon Thomas' body

which showed he suffered significant blunt force trauma and asphyxiation which caused his death.

g. Nathan Henderson (Response to DE 1, ¶¶ 302-310)

33. Harris County admits that Nathan Henderson was booked into the Harris County Jail after being transferred from a local hospital where he had been treated for multiple stab wounds, including one to his abdomen, that Nathan Henderson fell in the shower area and hit his head, that he was provided medical treatment at the Jail before being transported to the hospital where he was pronounced deceased from pulmonary thromboemboli.

h. Deon Peterson (Response to DE 1, ¶¶ 311-320)

34. Harris County admits that Deon Peterson was booked into the Harris County Jail on February 23, 2021, that Deon Peterson was prescribed blood pressure medication, that on August 10, 2021, Deon Peterson complained of chest pain and trouble breathing and was taken to the Jail Clinic, that after he was assessed and sent back to his cell, he returned to the Jail Clinic later that day after falling from a chair, and that Deon Peterson was transferred to the hospital where he was pronounced deceased from cardio vascular disease. Harris County lacks

sufficient knowledge or information to form a belief about the truth regarding Deon Peterson's history of asthma, diabetes, and other medical conditions.

i. Gary Wayne Smith (Response to DE 1, ¶¶ 321-329)

35. Harris County admits on December 6, 2022, Gary Wayne Smith was booked into the Harris County Jail with several reported conditions and that Gary Wayne Smith was seen by medical staff almost daily during a thirty-day period, including visits to the hospital, that Gary Wayne Smith complied with some treatment but also refused some treatment, and that on January 10, 2023, a check of Gary Wayne Smith was prompted when he did not respond to the medication nurse and was found unresponsive in his cell and declared deceased soon thereafter.

j. Kristan Smith (Response to DE 1, ¶¶ 330-338)

36. Harris County admits Kristan Smith was booked into the Harris County Jail for the charge of assault with a deadly weapon where she was immediately transferred to the emergency room for hyperglycemia, that Kristan Smith was receiving treatment and taking different medications for various medical conditions, including morbid

obesity, anxiety, diabetes, hyperlipidemia, hypoglycemia, and thyroid disease, and that Kristan Smith was found unresponsive, was provided life-saving treatment, but died from systemic candidiasis complicating diabetes mellitus.

k. Jeremy Garrison (Response to DE 1, ¶¶ 339-353)

37. Harris County admits Jeremy Garrison was booked into the Harris County Jail on April 23, 2023, that reasonable force was used on Jeremy Garrison to place Jeremy Garrison into handcuffs after Jeremy Garrison assaulted Officer Garcia, that Jeremy Garrison complained about the incident resulting in an investigation pursuant to Harris County's policy of investigating allegations of excessive force, that on May 23, 2023, Jeremy Garrison was outside of his cell using the phone but refused to comply with officers' requests return to his cell, that Jeremy Garrison shouted expletives at the officers and resisted when officer attempted to restrain him, that OC spray was used to try and gain compliance was ineffective, that Jeremy Garrison was taken to the hospital and diagnosed with a fracture to his neck and injuries to his right arm and firearm, for which he was immediately treated, including treatment of surgery.

l. Zachery Johnson (Response to DE 1, ¶¶ 354-364)

38. Harris County that on or about May 28, 2023, Zachery Johnson was booked into the Harris County Jail on charges of aggravated assault with a deadly weapon and child endangerment. Harris County lacks sufficient knowledge or information to form a belief about the truth regarding what actions, if any, Zachery Johnson's family took to get him released from the hospital or any subsequent medical treatment, if any, he received.

m. Kenneth Richard (Response to DE 1, ¶¶ 365-375)

39. Harris County admits that on or about April 23, 2023, Kenneth Richard was booked into the Harris County Jail and reported a history of anxiety, that Kenneth Richard received medical care on April 26, 2023, after an altercation with Inmate Justin Carter, Inmate Claude Curry, Inmate Olawale Majekodumni, Inmate Juan Martinez, Inmate Javion Mcneese, Inmate Babajide Ogunnubi, Inmate Daquarius Parke, and Inmate Rudolph Shelling, that officers immediately broke up the altercation, and that medical staff noted "Patient is presenting to clinic for post-altercation evaluation. The patient was assaulted by other inmates and has a chief complain of right eye swelling. He did not

lose consciousness during the event. Patient is doing well currently, and has no other medical complaints at this time. No changes in mentation, AAOx4, deferring all other medical treatment at this time.”

n. Jeremiah Anglin (Response to DE 1, ¶¶ 376-384)

40. Harris County admits that on or about November 28, 2022, Jeremiah Anglin was booked into the Harris County Jail and reported a history of bipolar disorder and ADHD, that on or about January 10, 2023, Jeremiah Anglin was treated for facial and mouth injuries, including the loss of two bottom front teeth and lip swelling and cuts that resulted from an altercation with officers when Jeremiah Anglin struck Officer Brezik who was escorting him to his cell and resisted officers who were attempting to gain control of Jeremiah Anglin. Harris County lacks sufficient knowledge or information to form a belief about the truth regarding whether Jeremiah Anglin was diagnosed with schizophrenia at age four years.

o. Harrell Veal (Response to DE 1, ¶¶ 385-392)

41. Harris County admits that on or about January 23, 2022, Harrell Veal was escorted by officers to the sixth floor of the Harris County Jail after telling Officer Natalie Portill, “Bitch I’m facing life I

don't give a fuck about you I'll whoop your ass once you step in the bitch, you scary ass hoe You thing you run shit. I do bitch. Show me what the fuck you got," that on October 31, 2022, that Harrell Veal was "jumped" while asleep in his bunk by Inmate Jamariyon Charles and Inmate Francisco Saenz, who assaulted him and took his property; that officer immediately called for ambulance service which transported Harrell Veal to the hospital where he received medical care for facial injuries, including an orbital fracture.

p. John Coote (Response to DE 1, ¶¶ 393-407)

42. Harris County admits that on February 1, 2023, John Coote was booked into the Harris County Jail and that there was an altercation with at least one officer. Harris County lacks knowledge or information sufficient to form a belief about the truth regarding whether John Coote was threatened by a detainee on February 7, 2023, or what instigated the altercation with the officer.

q. Ryan Twedt (Response to DE 1, ¶¶ 408-420)

43. Harris County admits that on February 15, 2022, Ryan Twedt was booked into the Harris County Jail and reported bipolar disorder, PTSD, and cocaine and heroin abuse, that on April 8, 2022, on

the fifth floor of the Harris County Jail, Ryan Twedt was involved in an altercation with another detained, that on or about April 9, 2022, Ryan Twedt kept covering the camera in the holding cell and refused orders to put his hands behind his back so officers could escort him to his cell. Harris County lacks sufficient information to for a belief about whether Ryan Twedt covered the cameras with toilet paper or what medical treatment, if any, Ryan Twedt received after his release.

r. Antonio Radcliffe (Response to DE 1, ¶¶ 421-429)

44. Harris County admits that on March 7, 2023, Antonio Radcliffe was booked in the Harris County Jail; that Antonio Radcliffe was punched by Inmate Joseph Thompson on or about May 18, 2023, and an officer immediately grabbed Thompson and pulled him back.

s. Zachary Zepeda (Response to DE 1, ¶¶ 430-438)

45. Harris County admits that Zachary Zepeda was booked in the Harris County Jail and reported a history of bipolar, depression, anxiety, and substance abuse, that on or about June 11, 2023, Zachary Zepeda was assaulted by other inmates and suffered significant injuries for which he was hospitalized on several occasions.

t. Jaquez Moore (Response to DE 1, ¶¶ 439-453)

46. Harris County admits that on or about November 17, 2022, Jaquez Moore was booked into the Harris County Jail with a history of seizures due to a brain injury suffered prior to being arrested and being diagnosed with epilepsy, that on February 4, 2023, Jaquez Moore was observed punching Inmate Jose Cruz, that Jaquez Moore had to be removed from the housing unit, that on or about February 12, 2023, an officer responded when Jaquez was observed having a seizure and was taken to the clinic for treatment, that on April 19, 2023, Inmate Sebastian Scalzo reported that Jaquez Moore and others threatened to violently assault Scalzo if Scalzo did not pay them “rent,” that in May 2023, Inmate Kelvin Jones reported that Jaquez Moore and five other inmates had jumped Jones. Harris County lacks knowledge or information sufficient to form a belief about the truth regarding whether the medical kiosk was occasionally broken in 2023.

u. Taylor Euell (Response to DE 1, ¶¶ 454-467)

47. Harris County admits that on September 28, 2022, Taylor Euell was booked into the Harris County Jail, that Taylor Euell was determined to have mental and physical conditions to which he received

medication, including seizures; that Taylor Euell was regularly treated for his medical conditions, including being taken to the hospital on several occasions, and that Taylor Euell was involved an altercation with the inmate during which Taylor Euell suffered a facial injury. Harris County lacks knowledge or information sufficient to form a belief about the truth regarding whether on or about September 29, 2022, an officer “snatched” Euell’s commissary bag and whether Taylor Euell told an officer that another detainee had threatened to sexually assault him.

v. Christopher Young (Response to DE 1, ¶¶ 468-476)

48. Harris County admits that in February 2023, Christopher Young was in the Harris County Jail and that Christopher Young was treated at the hospital for various medical conditions. Harris County is without sufficient knowledge to form a belief about the truth whether Christopher Young fell or was assaulted by an inmate on or about February 11, 2023.

w. Dylan Perio (Response to DE 1, ¶¶ 477-485)

49. Harris County admits that around November 2022, Dylan Perio was booked into the Harris County Jail.

x. Mikayla Savage (Response to DE 1, ¶¶ 486-495)

50. Harris County requests this Court take judicial notice of the lawsuit styled and numbered 4:24-cv-666, *Savage v. Harris County* pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Mikayla Savage.

y. Kyle Ryker (Response to DE 1, ¶¶ 496-503)

51. Harris County requests this Court take judicial notice of the lawsuit styled and numbered 4:24-cv-03072, *Chavez-Sandoval v. Harris County* pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Kyle Ryker.

z. D'Allesandro Chavez-Sandoval (Response to DE 1, ¶¶ 504- 511)

52. Harris County requests this Court take judicial notice of the lawsuit styled and numbered 4:24-cv-03072, *Chavez-Sandoval v. Harris County* pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of D'Allesandro Chavez-Sandoval.

aa. Michael Walker (Response to DE 1, ¶¶ 512-518)

53. Harris County requests this Court take judicial notice of the lawsuit styled and numbered 4:24-cv-03072, *Chavez-Sandoval v. Harris County* pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Michael Young.

bb. Daevion Young (Response to DE 1, ¶¶ 519-523)

54. Harris County requests this Court take judicial notice of the lawsuit styled and numbered 4:24-cv-03072, *Chavez-Sandoval v. Harris County* pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Daevion Young.

cc. Eric Russell (Response to DE 1, ¶¶ 524-532)

55. Harris County requests this Court take judicial notice of the lawsuit styled and numbered 4:24-cv-03072, *Chavez-Sandoval v. Harris County* pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Eric Russell.

dd. Nathan Nichols (Response to DE 1, ¶¶ 533-537)

56. Harris County denies the allegations pertaining to Nathan Nichols.

ee. Dequon Buford (Response to DE 1, ¶¶ 538-545)

57. Harris County requests this Court take judicial notice of the lawsuit styled and numbered 4:23-cv-02886, *Wagner v. Harris County* pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Dequon Buford.

ff. Bernard Lockhart (Response to DE 1, ¶¶ 546-551)

58. Harris County requests this Court take judicial notice of the lawsuit styled and numbered 4:23-cv-02886, *Wagner v. Harris County* pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Bernard Lockhart.

gg. Tramell Morelle (Response to DE 1, ¶¶ 552-559)

59. Harris County requests this Court take judicial notice of the lawsuit styled and numbered 4:23-cv-02886, *Wagner v. Harris County* pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Tramell Morelle.

hh. Vincent Young (Response to DE 1, ¶¶ 560-576)

60. Harris County admits that Vincent Young was a detainee in the Harris County Jail, that on or about February 13, 2017, Jail staff found Vincent Young with a white bedsheet wrapped around his neck, hanging from a propped up portable bed which he had pushed into the shower within Cellblock #M209; that Jail staff cut and removed the bedsheet from around Vincent Young's neck, that on-scene nurses immediately initiated CPR procedures on Vincent Young until Houston Fire Department EMS arrived; that EMS transported Vincent Young to St. Joseph's Hospital where medical staff continued to provide CPR and other medical treatment on him, and that according to the Custodial Death Report, Vincent Young was pronounced deceased at 20:14 on February 13, 2017.

ii. Maytham Alsaedy (Response to DE 1, ¶¶ 577-589)

61. Harris County admits that Maytham Alsaedy was a detainee in the Harris County Jail, that on or about November 30, 2017, Jail staff entered Maytham Alsaedy's cell and found him with a sheet around his neck, hanging from a smoke detector, that Jail staff immediately began performing CPR and retrieved an AED, that

medical staff continued performing CPR during Maytham Alsaedy's transport to the Jail Clinic, that Houston Fire Department EMS transported Maytham Alsaedy to St. Joseph's Hospital, where he was pronounced deceased at 00:06 on December 1, 2017.

jj. Debora Ann Lyons (Response to DE 1, ¶¶ 590-603)

62. Harris County admits that Debora Ann Lyons was a detainee at the Harris County Jail, that on or about 17:58 on August 13, 2018, Debora Ann Lyons who had secured a sheet around her waist and concealed it, exited cell 4D1A to receive insulin, that at 18:04, Debora Ann Lyon opened the door to a multi-purpose room, entered, and closed the door behind her; that at 18:48, inmates who entered the multi-purpose room to attend church services discovered Debora Ann Lyons hanging inside the door, that Jail staff immediately responded, initiated CPR, and notified medical staff who used a stretcher to transport her to the Jail Clinic, that Houston Fire Department EMS transported Debora Ann Lyons to Ben Taub Hospital where, according to the Custodial Death Report, she was pronounced dead at 13:57 on August 15, 2018.

kk. Tracy Whited (Response to DE 1, ¶¶ 604-613)

63. Harris County admits that Tracy Whited was a detainee in the Harris County Jail, that at or about 7:25 on January 14, 2019, Jail staff performing a visual observation of cellbock 4H1 were notified by another inmate that Tracy Whited was attempting to harm herself; that upon finding Tracy Whited with a sheet around her neck and hanging from an upper bunk, Jail staff cut the sheet from her neck and initiated CPR; that Tracy Whited was transported to the Jail Clinic with CPR in progress, and that Houston Fire Department EMS transported Tracy Whited to Ben Taub Hospital where, according to the Custodial Death Report, she was pronounced deceased at 10:05 on January 16, 2019.

ll. Wallace Harris (Response to DE 1, ¶¶ 614-622)

64. Harris County admits that Wallace Harris, who had a history of hypertension, was a detainee in the Harris County Jail, that on or about May 6, 2020, Jail staff discovered Wallace Harris unresponsive on the floor of his cell with shallow breathing; that Jail staff immediately initiated life-saving measure and rushed Wallace Harris to the Jail Clinic, that Houston Fire Department EMS transported Wallace Harris to LBJ Hospital where, according to the

Custodial Death Report, he was pronounced deceased at 23:17 on May 6, 2020 from cardiac arrest.

mm. David Perez (Response to DE 1, ¶¶ 623-628)

65. Harris County admits that David Perez was a detainee in the Harris County Jail, that at or about 23:27 on September 13, 2020, Jail staff discovered David Perez unresponsive in his single cell and immediately initiated CPR, that Jail staff transported David Perez to the Jail Clinic with CPR in progress, that Houston Fire Department EMS continued CPR and transported David Perez to St. Joseph's Hospital where, according to the Custodial Death report he was pronounced brain-dead at 16:36 on September 14, 2020, and that due to his status as an organ donor, David Perez was pronounced dead on September 15, 2020.

nn. Israel Lizano Iglesias (REPONSE TO DE 1, ¶¶ 629-638)

66. Harris County admits that Israel Lizano Iglesias was a detainee in the Harris County Jail, that on February 9, 2021, while Israel Lizano Iglesias was in the Jail Clinic holding cell awaiting mental health and medical screening, other inmates alerted Jail staff that he needed medical attention; that medical staff immediately

transported Israel Lizano Iglesias into the Jail Clinic where he was found alert and non-verbal, that Israel Lizano Iglesias then became unresponsive and CPR was initiated, that Houston Fire Department paramedics took over performing CPR and transported him to LBJ Hospital where, according to the Custodial Death Report, he was pronounced deceased at 5:08.

oo. Jim Franklin Lagrone (Response to DE 1, ¶¶ 639-649)

67. Harris County admits that Jim Franklin Lagrone was a detainee in the Harris Couty Jail, that on July 31, 2022, a detention officer conducting security rounds found Jim Franklin Lagrone unresponsive in his single cell and alerted the medical staff, that the medical staff initiated CPR and transported him to the Jail Clinic, that Houston Fire Department paramedics arrived, took over CPR, and transported Jim Franklin Lagrone to Ben Taub Hospital where, according to the Custodial Death Report, he went into cardiac arrest and was pronounced deceased at 13:11.

pp. James Earl Gamble (Response to DE 1, ¶¶ 650-659)

68. Harris County admits that James Earl Gamble was a detainee at the Harris County Jail, that while distributing dinner trays

on August 25, 2022, Jail staff was advised that James Earl Gamble was unresponsive in his bunk, that Jail staff initiated CPR and alerted medical staff, that the medical staff continued CPR and transported James Earl Gamble, that Houston Fire Department paramedics arrived and transported James Earl Gamble to LBJ Hospital where he was pronounced deceased at 16:51.

qq. Victoria Margaret Simon (Response to DE 1, ¶¶ 660-667)

69. Harris County admits that Victoria Margaret Simon was a detainee in the Harris County Jail; that on October 2, 2022, nurses and a Jail officer who went to Victoria Margaret Simon's quarantine cell to test her for tuberculosis found her unresponsive and initiated CPR, that Victoria Margaret Simon was transported to the Jail Clinic with CPR in progress, where, according to the Custodial Death Report, she was pronounced deceased at 8:40.

rr. Alan Christopher Kerber (Response to DE 1, ¶¶ 668-674)

70. Harris County admits that Alan Christopher Kerber was a detainee at the Harris County Jail, that on October 12, 2022, Jail staff distributing breakfast found Alan Christopher Kerber unresponsive in

his single cell, that medical staff responded and initiated CPR, that CPR continued as Alan Christopher Kerber was transported to the Jail Clinic, that Houston Fire Department personnel responded to Alan Christopher Kerber, and that according to the Custodial Death Report, pronounced Alan Christopher Kerber deceased at 5:36

ss. Damien Lavon Johnson (Response to DE 1, ¶¶ 675-682)

71. Harris County admits that Damien Lavon Johnson was a detainee in the Harris County Jail, that on November 13, 2022, Jail and medical staff responded to a report that Damien Lavon Johnson was hanging from a sheet in his cell, that Damien Lavon Johnson had a pulse when Jail and medical staff arrived, that medical staff transported Damien Lavon Johnson to the Jail Clinic, that Houston Fire Department paramedics assumed care and transported Damien Lavon Johnson to Ben Taub Hospital where, according to the Custodial Death Report, he was pronounced deceased at 16:12 on November 15, 2022.

tt. Michael Griego (Response to DE 1, ¶¶ 683-693)

72. Harris County admits that on November 13, 2022, Michael Griego was booked into the Harris County Jail, that Michael Griego's

bunkmate, Inmate Chad Maydwell, was reported to have struck Michael Griego while he was on the top bunk before pulling Michael Griego off the top bunk causing Michael Griego to fall and hit his head, that Michael Griego suffered severe head trauma, and that Michael Griego was transported to the hospital where he was pronounced dead.

uu. Jaquaree Simmons (Response to DE 1, ¶¶ 694-731)

73. Harris County admits that Jaquaree Simmons was a detainee in the Harris County Jail, that on February 17, 2021, officers, while distributing lunch, discovered Jaquaree Simmons lying face down in his cell, determined he was unresponsive, initiated CPR, and notified medical staff; that medical staff responded, took over CPR, transported Jaquaree Simmons to the Jail Clinic where they continued life-saving procedures, and notified the Houston Fire Department, that Houston Fire Department paramedics arrived, assumed care, and transported Jaquaree Simmons to LBJ Hospital where, according to the Custodial Death Report, he was pronounced deceased at 13:27.

vv. Rory Ward, Jr. (Response to DE 1, ¶¶ 732-743)

74. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Ward v. Harris County*, Civil Action No.

4:23-cv-01798 pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the Death of Rory Ward, Jr.

ww. Adael Gonzalez Garcia (Response to DE 1, ¶¶ 744-754)

75. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Gonzalez v. Harris County*, Civil Action No. 4:23-cv-00542 in the United States District Court for the Southern District of Texas, Houston Division, pertaining to claims of Adael Gonzalez Garcia which was dismissed with prejudice on March 26, 2024 (See Docket Entry 40).

xx. Fred Harris (Response to DE 1, ¶¶ 755-771)

76. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Garcia, et al. v. Harris County*, Civil Action No. 4:22-cv-3093 pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Fred Harris.

yy. Jerome Bartee (Response to DE 1, ¶¶ 772-787)

77. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Bartee v. Harris County*, Civil Action No. 4:16-cv-02944 in the United States District Court for the Southern

District of Texas, Houston Division, pertaining to the claims of Jerome Bartee which was dismissed with prejudice on October 28, 2021 (Docket Entry 172).

zz. Terry Goodwin (Response to DE 1, ¶¶ 788-800)

78. Harris County denies the allegations pertaining to Terry Goodwin.

aaa. Gregory Barrett (Response to DE 1, ¶¶ 801-810)

79. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Barrett v. Harris County*, Civil Action No. 4:22-cv-3526 in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Gregory Barrett, which were dismissed with prejudice on November 21, 2021 (Docket Entry 7).

bbb. Christopher Johnson (Response to DE 1, ¶¶ 811-822)

80. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Johnson v. Harris County*, Civil Action No. 4:16-cv-01623 in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Christopher Johnson which were dismissed on August 21, 2018 (Docket Entry 80).

ccc. Matthew Shelton (Response to DE 1, ¶¶ 823-833)

81. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Borchgrevink / Shelton v. Harris County*, Civil Action No. 4:23-cv-01798 pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Matthew Shelton.

ddd. Michael A. Alaniz (Response to DE 1, ¶¶ 834-844)

82. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Alaniz v. One Unknown Sheriff's Deputy*, Civil Action No. 4:16-cv-01495 in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Michael Alaniz which were dismissed on August 24, 2018.

eee. Natividad Flores (Response to DE 1, ¶¶ 845-856)

83. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Flores v. Harris County*, Civil Action No. 4:20-cv-03162 in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Natividad Flores which were dismissed on May 10, 2022 (Docket Entry 72).

fff. Kareem Jefferson (Response to DE 1, ¶¶ 857-865)

84. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Jefferson v. Harris County*, Civil Action No. 4:21-cv-00545 in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Kareem Jefferson which were dismissed on March 9, 2022 (Docket Entry 20).

ggg. Henry Williams (Response to DE 1, ¶¶ 866-877)

85. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Williams v. Harris County*, Civil Action No. 4:22-cv-01215 in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Henry Williams which were dismissed on October 18, 2022 (Docket Entry 19).

hhh. Loron Ernest Fisher (Response to TO DE 1, ¶¶ 878-887)

86. Harris County admits that Loron Ernest Fisher was a detained in the Harris County Jail, that on or about June 15, 2022, inmates alerted Jail staff that Loron Ernest Fisher needed medical attention, that Loron Ernest Fisher received initial medical attention, was returned to his cell, and was later found unresponsive in his cell by Jail staff, that Loron Ernest Fisher was transported back to the Jail

Clinic, and was transported by Houston Fire Department paramedics to Ben Taub Hospital, and that despite life-saving treatment provided at Ben Taub Hospital, Loron Ernest Fisher was pronounced deceased at 22:58.

iii. Robert Wayne Fore (Response to DE 1, ¶¶ 888-897)

87. Harris County admits Robert Wayne Fore was booked into the Harris County Jail on the charge of evading arrest and criminal trespass, that during the medical screening of Robert Wayne Fore, he reported daily drug use but no self-harm or suicidal ideations, that he was placed in a single cell pursuant to COVID protocols, was not placed on suicide watch, and that Robert Wayne Fore was found deceased in his cell after he hanged himself with a bedsheet approximately 36 hours after being housed. Harris County lacks sufficient information or knowledge to form a belief about the truth regarding what comments, if any, inmates were made to Jailers or that Robert Wayne Fore may have made to Jailers before his death.

iii. Benjamin Pierce (Response to DE 1, ¶¶ 898-906)

88. Harris County admits that Benjamin Pierce was a detainee in the Harris County Jail, that on or about May 21, 2022, Benjamin

Pierce was found unresponsive in his cell, that medical staff responded to Benjamin Pierce, that Houston Fire Department paramedics transported Benjamin Pierce to St. Joseph's hospital for further medical care, and that Benjamin Pierce was pronounced deceased at 5:30 on May 21, 2022.

kkk. Gilbert Allen Nelson (Response to DE 1, ¶¶ 907-915)

89. Harris County admits that Gilbert Allen Nelson was a detainee in the Harris County Jail, that on or about May 11, 2022, Jail staff found Gilbert Allen Nelson unresponsive in his bunk, that Gilbert Allen Nelson was transported to the Jail Clinic with CPR in progress, that Houston Fire Department paramedics assumed care of Gilbert Allen Nelson and transported Gilbert Allen Nelson to St Joseph's Hospital, and that a medical doctor pronounced Gilbert Allen Nelson deceased at 6:00 on May 11, 2022.

lll. Kevin Alexander Sanchez-Trejo (Response to DE 1, ¶¶ 916-923)

90. Harris County admits that Kevin Alexander Sanchez-Trejo was a detainee in the Harris County Jail, that Jail staff found Kevin Alexander Sanchez-Trejo unresponsive in his bunk on February 12, 2022, that Kevin Alexander Sanchez-Trejo was transported to the Jail

Clinic with CPR in progress, that Houston Fire Department paramedics assumed care of Kevin Alexander Sanchez-Trejo, administered life-saving measures, and determined that Kevin Alexander Sanchez-Trejo was deceased at 8:19 on February 12, 2022.

mmm. Simon Peter Douglas (Response to DE 1, ¶¶ 924-934)

91. Harris County admits that Simon Peter Douglas was a detainee at the Harris County Jail, that on or about February 10, 2022, Simon Peter Douglas was arrested by Houston Police Department Officers and transported to the jail, that Simon Peter Douglas was placed in a single cell because of aggressive and erratic behavior, that Simon Peter Douglas made several attempts to inflict self-harm, despite being restrained, that Simon Peter Douglas was transported to the Jail Clinic and Ben Taub hospital for further medical treatment, and the Simon Peter Douglas was pronounced deceased by a medical doctor at 7:21 on February 10, 2022.

nnn. Fabien Cortez (Response to DE 1, ¶¶ 935-943)

92. Harris County admits that Fabien Cortez was booked into the Harris County Jail on or about March 21, 2023, that Fabian Cortez was later found unresponsive in a restroom stall, that Fabian

Cortez had a drawstring from his jacket around his neck, that Jail staff initiated life-saving measures, including CPR, that medical staff was called to assist, that Houston Fire Department paramedics transported to St. Joseph's Hospital where a medical doctor pronounced Fabian Cortez deceased.

ooo. Elijah Gamble (Response to DE 1, ¶¶ 944-956)

93. Harris County denies the allegations pertaining to Elijah Gamble.

ppp. Kenneth Lucas (Response to DE 1, ¶¶ 957-966)

94. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Salcido /Lucas v. Harris County*, Civil Action No. 4:15-cv-02155 in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Kenneth Lucas which were dismissed on March 20, 2019 (Docket Entry 258).

qqq. Rachel Hatton (Response to DE 1, ¶¶ 967-973)

95. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Hatton v. Harris County*, Civil Action No. 4:18-cv-1948 in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of Rachel

Hatton which were dismissed on March 9, 2022 (Docket Entries 16 and 17).

rrr. John Raymond Hackl (Response to DE 1, ¶¶ 974-985)

96. Harris County requests this Court take judicial notice of the lawsuit styled and numbered *Wagner v. Harris County*, Civil Action No. 4:23-cv-02886 pending in the United States District Court for the Southern District of Texas, Houston Division, pertaining to the claims of John Raymond Hackl.

sss. Unreported Deaths (Response to DE 1, ¶¶ 986-993)

97. Harris County is without sufficient knowledge or information to admit or deny the allegation pertaining to Walter Klein which Harris County admits to be a summary of a news article and therefore denies the allegations pertaining to Walter Klein.

98. Harris County is without sufficient knowledge or information to admit or deny the allegation pertaining to Kelvin Williams which Harris County admits to be a summary of a news article and therefore denies the allegations pertaining to Kelvin Williams.

99. Harris County is without sufficient knowledge or information to admit or deny the allegation pertaining to Bobby McGowen which Harris County admits to be a summary of a news article and therefore denies the allegations pertaining to Bobby McGowen.

100. Harris County is without sufficient knowledge or information to admit or deny the allegation pertaining to Moses Almazan which Harris County admits to be a summary of a news article and therefore denies the allegations pertaining to Moses Almazan.

101. Harris County is without sufficient knowledge or information to admit or deny the allegation pertaining to Damian Lopez which Harris County admits to be a summary of a news article and therefore denies the allegations pertaining to Damian Lopez.

102. Harris County is without sufficient knowledge or information to admit or deny the allegation pertaining to Lawrence Gutierrez which Harris County admits to be a summary of a news article and therefore denies the allegations pertaining to Lawrence Gutierrez.

v. Allegations Regarding Prior and Concurrent Deaths in Custody (Response to DE 1, ¶¶ 994-1025)

a. Treyvan Crowder (Response to DE 1, ¶¶ 994-998)

103. Harris County is unable to admit or deny the allegations pertaining to Treyvan Crowder and therefore deny the allegations pertaining to Treyvan Crowder.

b. Harris County Detention Officer J. Valdiviez (Response to DE 1, ¶¶ 999-1005)

104. Harris County is without sufficient knowledge or information to admit or deny the allegation pertaining to Officer J. Valdiviez which Harris County admits to be a summary of a news article and therefore denies the allegations pertaining to Officer J. Valdiviez.

c. Harris County Sergeant Jane Doe (Response to DE 1, ¶¶ 1006-1022)

105. Harris County admits the allegations pertaining to Jane Doe to be a summary of the allegations of the pleadings of the lawsuit referenced by Plaintiffs.

d. Harris County's New Funding and Renovations of the Jail (Response to DE 1, ¶¶ 1023-1025)

106. Harris County admits that funding has been approved for jail maintenance.

D. PLAINTIFFS' ALLEGATIONS OF CURRENT POLICIES, PRACTICES, CUSTOMS PROMULGATED WITH PURPORTED "DELIBERATE INDIFFERENCE" (RESPONSE TO DE 1, ¶¶ 1026-1028)

107. Harris County asserts that allegations pertaining to Plaintiffs' allegations of current policies, practices, and customs are arguments and conclusions.

V. CAUSES OF ACTION

108. Paragraph 1029 of Plaintiffs' Original Complaint does not require a response.

A. COUNT I: *MONELL* CLAIM OF; 14TH AMENDMENT CONDITIONS OF CONFINEMENT (RESPONSE TO DE 1, ¶¶ 1030-1064)

109. Notwithstanding the conclusory allegations restated in paragraphs 103 to 1064 of Plaintiffs' Original Complaint, Harris County asserts that Plaintiffs' allegations are also their summary of a legal cause of action.

B. COUNT II: *MONELL* CLAIM; 14TH AMENDMENT FAILURE TO TRAIN OR SUPERVISE (RESPONSE TO DE 1, ¶¶ 1065-1079)

110. Notwithstanding the conclusory allegations restated in paragraphs 1065 to 1079 of Plaintiffs' Original Complaint, Harris County asserts that Plaintiffs' allegations are also their summary of a legal cause of action.

C. COUNT III: SURVIVAL CLAIMS & WRONGFUL DEATH (RESPONSE TO DE 1, ¶¶ 1080-1082)

111. Notwithstanding the conclusory allegations restated in paragraphs 1080 to 1082 of Plaintiffs' Original Complaint, Harris County asserts that Plaintiffs' allegations are also their summary of a legal cause of action.

VI. DAMAGES (RESPONSE TO DE 1, ¶¶ 1083-1085)

112. Harris County denies the allegations pertaining to Plaintiffs' claim for damages.

VII. ATTORNEY'S FEES (RESPONSE TO DE 1, ¶¶ 1086-1087)

113. Harris County denies the allegations pertaining to Plaintiffs' claim for damages.

VIII. JURY REQUEST (RESPONSE TO DE 1, ¶ 1088)

114. Plaintiffs' request for a trial by jury requires no response.

DEFENSES AND AFFIRMATIVE DEFENSES

115. Harris County affirmatively asserts that the statute of limitation bars any claim which accrued more than two years before the date of Plaintiffs' Original Complaint.

116. Harris County affirmatively asserts that Plaintiffs' injuries, if any, are the result of a pre-existing condition of Robert Andrew Terry.

117. Harris County affirmatively asserts that Plaintiffs' injuries, if any, were the sole result of Robert Andrew Terry's negligence or intentional acts, which were a proximate cause, in whole or in part, of Robert Andrew Terry's injuries and Plaintiff's injuries, if any.

118. Harris County affirmatively assert that Robert Andrew Terry failed to mitigate his damages.

119. Harris County affirmatively asserts that it is entitled to governmental and sovereign immunity and that Plaintiffs have failed to plead a cause of action that meets the requirements to impose liability.

120. Harris County affirmatively assert that Robert Andrew Terry's alleged injuries, if any, are attributable to a new, independent, and/or superseding cause, and were therefore not proximately caused by any act or omission of Harris County.

121. Harris County asserts that Robert Andrew Terry's medical expenses, if any, should be reduced to the amount actually paid by or incurred on behalf of Robert Andrew Terry pursuant to section 41.0105 of the Texas Civil Practice and Remedies Code.

122. Harris County asserts it cannot be liable under 42 U.S.C. § 1983 for any state or common law-based claim for common law negligence.

123. Harris County asserts it cannot be liable under state law for negligence pursuant to the Texas Tort Claims Act. Tex Civ. Prac. & Rem. Code Ann. ch. 101.

124. Harris County asserts it is immune from exemplary and punitive damages.

REQUEST FOR RELIEF

125. WHEREFORE, Defendant, Harris County, requests that Plaintiffs, Robert Terry Jr., and Lisa Foster, Individually and as Next Friends of their deceased son, Robert Andrew Terry, take nothing by this suit and award Defendant, Harris County, its costs of court and reasonable and necessary attorneys' fees, and such other and further relief to which it may show itself to be justly entitled.

Respectfully submitted,

OLSON & OLSON, L.L.P.

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**ATTORNEY FOR DEFENDANTS,
HARRIS COUNTY**

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of November, 2024, a true and correct copy of this *Answer of Defendant, Harris County*, was electronically filed using the Court's EF/CM system pursuant to Federal Rule of Civil Procedure 5 and United States District Court for the Southern District of Texas Local Rule 5:

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